

From: [McCabe, Janet](#)
To: [Esher, Diana](#)
Cc: [Starfield, Lawrence](#); [Atkinson, Emily](#); [Drinkard, Andrea](#)
Subject: Re: Potential Response to Complaint - EPA Case 1298294
Date: Wednesday, November 03, 2021 2:43:03 PM
Attachments: [Response \(b\) \(6\) Delaware.docx](#)

I spoke to Diana just now and said I thought the response looked fine and made sense to me to come from the region, but would defer to Larry if he has a different view.

Sent from my iPhone

On Nov 3, 2021, at 12:50 PM, Esher, Diana <Esher.Diana@epa.gov> wrote:

Hi Janet and Larry,

On October 7, you received a complaint from (b) (6) of Millsboro, Delaware, about potential violations from Mountaire Farms and Delaware Inland Bays Regional Wastewater Treatment Plant. In his email, Mr. (b) (6) outlined his concerns and included an account of conversations with people at EPA Headquarters and Region 3 offices. *FYI - I have forwarded the email which you received below.*

We further investigated the issues which Mr. (b) (6) raised and offer the attached response. We weren't sure about the process which you'd like to use to respond. Should a response come from Janet, Larry, or Region 3 in an email? Let me know how we can handle this response for you.

Diana

Diana Esher

Deputy Regional Administrator

US EPA Region 3

215-814-2706

esher.diana@epa.gov

From: (b) (6)

Sent: Thursday, October 7, 2021 8:17 PM

To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; McCabe, Janet <McCabe.Janet@epa.gov>; Wall, Tom <Wall.Tom@epa.gov>

Subject: EPA Case 1298294

Mr. Starfield and Ms. McCabe,

I received your contact information from an employee of yours named Tom Wall. I request that you please speak with Mr. Wall so that he can verify the following which he and I have discussed in great detail. His office phone number is 202-564-4179 and his cell phone number is 202-906-9962.

I request that you take brief notes regarding your conversations and attach those notes and any other communications you have with Mr. Wall or anyone else within the EPA or federal government or state government to my EPA case, 1298294.

My name is (b) (6). I live in Millsboro, Delaware, and am a victim of an

ecological disaster that I believe was a deliberate business decision made by a large chicken processing factory named Mountaire Farms in which they released inconceivable amounts of nitrates and fecal matter onto fields and within woods near my home. If you read what happened in the Notice of Violation (attached), you will understand that it was one of the largest and certainly the most disgusting ecological catastrophes in history.

In short, the word on the street is that, due to decades of neglect and overuse, Mountaire Farms' factory's septic system broke. Rather than deal with that issue, they liquified that disgusting sludge and sprayed and dumped it on fields and within forests where I live. People died and many got sick, including me.

At the Fairness Hearing for the resulting class action lawsuit it was revealed that Mountaire Farms dumped on a public utility owned and operated by Sussex County, Delaware, that is located less than one mile upgradient of my home. That facility, Inland Bays Regional Wastewater Facility, is in failure and has not had a permit to operate in over four years. That facility was not mentioned in the lawsuit, and it was not until the Fairness Hearing that I discovered it was implicated.

Because settlement for that lawsuit also included a set of woods that was never cited for criminal activity, I took it upon myself to investigate the matter. I introduced myself to a woman, (b) (6), whose home backs up to those woods and asked for her permission to inspect them because I had seen clearings in satellite imagery. I discovered not only past dumping, but also evidence that someone was continuing to dump liquid in the very same set of woods. I was utterly astonished.

I informed Ms. (b) (6) of what I'd seen, and told her I saw a dead deer leg that even the other animals did not want to eat. She then told me a racoon had emerged from the woods beside her home and died right in front of her. She took photos as it died. Two days later, she discovered a dead cat in her yard. A friend of mine, (b) (6), lives across the street from her and he wanted to know the color of the cat because he had three of his pets die in his arms and a fourth had run away. The woods the racoon ran out from are to the side of her home where there is an enormous illegal landfill. On satellite imagery of that property, there are three trucks, one of which is dumping liquid into a trench while the other two block view from the street. Ms. (b) (6)' entire family and Mr. (b) (6) have all had extremely serious health problems, and both Ms. (b) (6) and Mr. (b) (6) contacted the EPA and opened cases, which proved to be an exercise in futility.

I called the county constable. Both Ms. (b) (6) and I opened cases with the DNREC Environmental Crimes unit, who did absolutely nothing to stop the illegal activity, citing a "hand-written note from a retired Planning and Zoning director." I then fruitlessly contacted countless people in the county and state government and got nothing but finger pointing and the cold shoulder. The obvious reason to me is because crimes were committed, they all know it, and none of them want to get involved. Concerned government employees, particularly those in the Department of Health and Natural Resources would have immediately dealt with the issues. There is more to that story, but I am reserving that conversation to hold with the Department of Justice.

On February 19, 2021, I opened case 1298294 with the EPA. This was not an easy thing to do because the ECHO system was broken and would not allow me to open my case.

After four tries I called the EPA hotline and spoke to a man for 41 minutes, explaining what was happening and he refused to open a case and hung up on me. I immediately called back and spoke to a woman for 63 minutes who also refused to open a case. After literally begging her and telling people on my street had gotten very sick and died and it was happening again, she relented and opened a case.

The following morning I received a phone call from someone who said they were an EPA employee, and were calling about my case. I explained what was happening and was told, "I don't deal with conspiracy theories". He then hung up on me. I immediately called him back and asked if he was at least willing to look at a satellite image. He said no, and again hung up. I called back and left an 11 minutes message. I never heard back. I have provided this explanation along with my phone records to prove so to the Secretary of DNREC, Attorney General Jennings, and Governor Carney, as well as Judge Karsnitz who presided over the class action lawsuit and to the EPA Inspector General email address, and in my FOIA Appeal, along with an astounding amount of evidence suggesting countless apparent crimes.

Unable to get in contact with the head of the EPA Region 3 office because no one in the state government would answer my calls or emails asking for that person, and the Region 3 office would also not do so after leaving voicemail messages, I contacted the headquarters office of the EPA and spoke with Mr. Wall. Mr. Wall clearly believed what I said and told me he had just read about the Mountaire Farms settlement the day before in the Washington Post. Mr. Wall provided me with contact information for multiple people and said that I should start at the bottom and work my way to the top. I did as Mr. Wall instructed and contacted the EPA enforcement employees who were unresponsive. Ultimately, I spoke with the top water enforcement officer, a man named Mark Pollins, who told me something along the lines of, "You have the right two people to deal with these issues. You can stop your investigation and we will handle it." He arranged a meeting with a man named Rick Rogers, with whom I had already spoken. I repeatedly asked both of those individuals in conversations and in email if I could speak with them to step them through the evidence I had because there was a great deal of it and I didn't want it misinterpreted and I felt it would be far easier for them rather than have them try to figure it out or for me to produce formal presentations.

After their meeting I was told by Mr. Pollins that he and Mr. Rogers had reviewed my information and sent it to the appropriate federal officials. That did not make sense to me because Mr. Pollins is the top water enforcement officer within the EPA. Therefore, I sent him an email asking whom he referred the information to and immediately received an auto-reply stating Mr. Rogers was on vacation, and I received no reply from Mr. Pollins.

After waiting a reasonable amount of time, I contacted the EPA Inspector General office and spoke with a woman named Kristin Lange. For 27 minutes I explained to Ms. Lange what had happened and she asked that I provide a summary and the evidence I had, which I did. I did not hear back from Ms. Lange and have contacted the EPA Inspector General hotline several times and they do not pick up the phone. I have left voicemails requesting a call back, but have not received one.

I reached out to Mr. Wall a second time after failing with the first set of employees he

provided me, and he gave me contact information to two other employees of yours named Rosemarie Kelley and Karin Koslow. Ms. Kelley simply ignored me, and Ms. Koslow and I spoke on the phone on July 9, 2021, for 57 minutes. According to my notes, "7/9 1:35 :57 explained dump sites, what is happening behind lowes, and about Inland Bays. She was nice enough, but said she was late for a meeting. She is confident Mark Pollins is the correct person to talk to. I told her I don't trust him." I did not trust Mr. Pollins then, and I do not trust Mr. Pollins now.

I took copious notes of every single government employee I have spoken to since this saga began. This is why. When I first discovered I was poisoned, I went to the Delaware Department of Environmental Health and asked a woman named Naida Graves if she knew what areas were impacted by the Mountaire Farms problem. In an accusatory tone she said, "Who sent you here? The attorneys?" I told her I was concerned because my health was failing and I lived nearby. She then proceeded to give me a water test kit. I immediately called Secretary of DNREC Shawn Garvin about that interaction. The next morning I arrived with my water test kit only to discover Ms. Graves had only provided me half of my kit, omitting the bottle that tests for nitrates. I then set on warning locals that this was probably worse than we were being led to believe and was told by the pastor of a local church that his neighbor had also been provided only one bottle. I called Mr. Garvin back to tell him that, stating, "Once is an accident. Twice is a pattern." I suggested he get the water tested for everyone who had been provided only one bottle. He thanked me and told me, "By the way, that personnel issue has been resolved". The conversation was short, and he said I could contact him again if I needed anything. When that time came, I could not.

After waiting weeks following my conversation with Ms. Lange and hearing nothing, I then opened a FOIA request regarding my case and two other related EPA cases opened by Ms. (b) (6) and Mr. (b) (6).

That FOIA request bounced back and forth between the Headquarters and Region 3 FOIA offices twice, ultimately ending with the Region 3 office requesting. While I believed that to be unnecessary because my request should have only taken a week or two to gather, I nevertheless granted the extension. Two- and one-half months, and seventeen days after the extension of my FOIA request expired I received only some of the information I had requested regarding my case, and none of the information regarding the other two cases.

What I read, in my opinion, was a complete mischaracterization of my mental health and that it appeared neither Mr. Pollins nor Mr. Rogers had provided the evidence to other employees within the EPA. If they did, I should have received a copy of those emails as part of my FOIA request. Particularly since I specifically requested they attach our interactions to my case, as I have done with you in this email.

There were multiple issues with what I received, but the following regarding Mr. Rogers were suspect.

Mr. Rogers sent an email to another employee of yours named Carol Amend with whom I'd just spoken to the day before and who can verify that I am not insane. In that email he said he had spoken with me two days after I first spoke with Mr. Wall, who can also verify that I am not insane, stating, "I forgot to tell you, I spoke to this guy on Wed April 14th. He bent my ear for 78 minutes. He also sent me a number of files,

mostly what he said he presented to a judge during some sort of appeal hearing. Anyway, I remember you mentioned referring this over to CID. I wasn't sure if you were going to do that right away or if you were going to leave that to me, which is fine. He wants to get me on the phone and walk me through the files he sent. I might subject myself to that later today."

This guy? Bent my ear? Might subject myself to calling me as I had requested? This is not an appropriate way to refer to a citizen who had been poisoned by a ruthless corporation, which he knew was the case. In addition, Mr. Rogers did not call me back as he had promised.

In addition, the "some sort of appeal hearing" he was talking about was the final Fairness Hearing for the settlement of a \$65 million class action settlement, which combined with the federal suit spawned from it because DNREC intended to let Mountaire Farms off the hook, amounted to a total settlement of \$205 million. Hardly "some sort of appeal hearing".

In a separate June 9, 2021, email to another employee of yours, Kimberly Bahney, Mr. Rogers stated, "After one incident where he tried to report something, he felt he was being watched and followed so he said he spent a week in a hotel to essentially hide." I believe the reason Mr. Rogers characterized me that way was to make it seem as though I have mental illness. I can assure you that both Mr. Wall and Ms. Amend, both of whom I had spoken to in the same two-day period, would not characterize my behavior as someone who felt like he was being watched and followed or crazy. My husband and I did, in fact, stay in hotels, but we did so for two months during a global pandemic because of a number of extremely unsettling things that had happened. We are both retired and can afford to do so, and simply found it to be wise to work from another location. In addition, it was winter and we felt like traveling to Florida. That is not hiding.

In that same June 9 email to Ms. Bahney, Mr. Rogers stated, "he does not trust anyone at the state level and refuses to talk with them". Nothing could be further from the truth. Literally no one within Sussex County or Delaware or Federal governments will speak to me, or when they do they take zero action. In my FOIA Appeal I identified over 60 people I called, and after reviewing my notes discovered even more that I failed to mention.

Because of the missing communications I had requested, mischaracterizations of me, and what I consider to be straight up lies and lies of omission, I then appealed my FOIA request within the (unnecessarily short) deadline of 30 days. In that appeal I provided not only a polite excoriation of Mr. Rogers and to a lesser degree, Mr. Pollins, but also substantial evidence that I had gathered suggesting a series of what appears to be public trust crimes committed by employees of Sussex County and the State of Delaware. In my opinion, they are unquestionable. However, that is not up for me to decide.

I was told by an employee of yours named Shirley Blair that my case (meaning my FOIA appeal) was referred to an attorney in the EPA Office of General Counsel, and that I could contact Ms. Blair if I had any questions.

I sent Ms. Blair an email asking if there were any more deadlines I am up against, because I have been working between 60-70 hours per week seven days per week

since December 31, 2021, and simply need to take a break. I have an immense amount of evidence beyond what I supplied in my 70-page appeal and the 250 associated exhibits. It is going to take me literally months to assemble because I need to take my paper notes, my text conversation I was having with a confident via Signal, and tie them all together with my phone records. I also have numerous analyses of the science surrounding the lawsuit my PhD scientist husband and I put together, but also additional crimes I did not mention in my FOIA appeal that do not concern the EPA, and yet another potential crime that I simply did not have time to include in my appeal because I was running out of time.

That simple question could not be answered by Ms. Blair, nor was she able to answer my first question asking when I could expect the remainder of the information I had requested in my FOIA request that was not provided.

I then sent Ms. Blair a follow-up email copying the two top government employees in her office and quickly received a reply stating that my email was being forwarded to a man named Mark Stilp who would contact me. That was yesterday afternoon, and I have still not heard back from Mr. Stilp. Perhaps it is the government's opaque nature to hide and avoid citizens who appear to have caught the government in crimes, but it should not be.

I understand that people are busy. However, I am utterly exhausted. I would like an answer to that incredibly simple question. Do I have a deadline for providing my evidence, and can I take a break?

Not only that, there is a failing regional wastewater facility behind my home that is contaminating the water of numerous people throughout my community, which I proved via water tests. I would like to know if anyone is addressing that urgent issue. Someone needs to deal with the facility failures before winter crops are planted, which is imminent. Due to years of mismanagement and the added contamination by Mountaire Farms, the crops are very unhealthy and there is an enormous amount of ponding, erosion, and runoff. I suspect the spray fields are now defunct, but at least someone would deal with the ponding, erosion, and runoff.

Does this look healthy to you? <https://goo.gl/maps/LqJCFZfry2RVLmLGA> Zoom in and out so you can fully grasp the conditions of that failing human waste facility. It was not bad enough that I had an entire factory's waste to contend with. Now it is the entire region. This is beyond absurd. What is even more terrifying is that the county plan is to massively expand that facility without addressing the issues. I **highly** recommend personally reading my FOIA appeal as it appears the county plan is to deliberately pollute by design. Compounding that problem is that I was told by an employee of that facility that they are concerned about the potential overloading of the lagoons, which I was told would be "devastating".

Someone needs to address the ponding, erosion, and runoff and they need to do so immediately so that we do not have to endure yet another wave of pollution. It is unbearable as it is. Even with whole-house water treatment systems and shower filters both me and my neighbor itch after bathing, and she bleeds all over her body. Again, please read my FOIA Appeal, she and another neighbor provided testimony and allowed me to take photographs.

I was told repeatedly that the federal government cannot get involved unless human

health is at stake. How much more evidence do I need to supply? I would be perfectly happy to provide it to you.

Thus far, in over TEN MONTHS of dealing with this unbelievable catastrophe and begging government employees at all levels and all three branches of government to help or be my advocate I have yet to have a single person take ownership of these issues. Not one. "I'm sorry. There is nothing I can do to help you." If I had a nickel... I am now begging the two of you. Will one of you please take responsibility for assigning an attorney to my EPA case, not just my EPA FOIA appeal, and to deal with the failing Inland Bays Regional Wastewater Facility before it is too late in the season? Isn't that the purpose of the First Amendment Right to petition the Government for a redress of grievances?

I have drafted a letter to President Biden, who owns a resort home just a few miles away, and will be sending it to him shortly. It will be perfectly crafted because I am a talented-enough writer, and my husband holds a double-major undergraduate degree, a Masters degree, a PhD, and was a professional writer for the 30 years he worked for NOAA as their lead hurricane forecaster at the Climate Prediction Center. However, I highly doubt my letter to President Biden will arrive and be read in enough time to deal with the urgent issues I'm up against before winter sets in and time runs out.

Last, but not least, please forward this email to your superior within the government, whom I believe is Michael Regan, so that he can understand there is a great big problem here.

I keep hearing from people that the federal government cannot force the state government to do their job and protect their citizens. That does not mean that waste, fraud, and abuse are not reasons to withhold spending. Perhaps you cannot force Delaware to act, but you can certainly provide needed persuasion.

Please don't forget to read the attached revolting Notice of Violation, particularly the parts about the combination of massive amounts of nitrates and fecal coliform bacteria. They sound like a potent combination.

If you have any questions, I can be reached at (b) (6).

Thank you,

(b) (6)